

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL CHALEPLIS, et al.,	:	CIVIL ACTION
	:	NO. 21-1492
Plaintiffs,	:	
	:	
v.	:	
	:	
MICHAEL KARLOUTSOS, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 10th day of **January, 2022**, upon consideration of the Motion to Dismiss for Lack of Jurisdiction (ECF No. 15), Motion to Dismiss for Failure to State a Claim (ECF No. 20), Motion for Leave to File a Reply Brief (ECF No. 36), and Motion to Dismiss or Transfer Venue (ECF No. 40) filed by Defendants Karloutsos and MAK Consulting, LLC (collectively the "Karloutsos Defendants"), and the Motion to Dismiss for Failure to State a Claim (ECF No. 19), Motion for Sanctions (ECF No. 23), and Motion to Dismiss Pursuant to Fed. R. Civ. P. 19 and Fed. R. Civ. P. 12(b)(7) (ECF No. 42) filed by Defendants Rodgers, Rodgers Investments LLC, and James M. Rodgers, P.C. (collectively the "Rodgers Defendants"), and all responses thereto, it is hereby **ORDERED** as follows:

- (1) The Karloutsos Defendants' Motion to Dismiss for Lack of Jurisdiction (ECF No. 15) is **DENIED**;

- (2) The Karloutsos Defendants' Motion for Leave to File a Reply Brief (ECF No. 36) is **GRANTED**;
- (3) The Karloutsos Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 20) is **GRANTED in part and DENIED in part**. Pursuant to this motion, Count XI of the Complaint (declaratory judgment) is **DISMISSED with prejudice**. Counts XII (alter ego) and XIII (fraud) are **DISMISSED without prejudice** and with leave to amend.
- (4) The Karloutsos Defendants' Motion to Dismiss or Transfer Venue (ECF No. 40) is **DENIED**.
- (5) The Rodgers Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 19) is **DENIED**.
- (6) The Rodgers Defendants' Motion for Sanctions (ECF No. 23) is **DENIED**.
- (7) The Rodgers Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 19 and Fed. R. Civ. P. 12(b)(7) (ECF No. 42) is **DENIED**.
- (8) Pursuant to Fed. R. Civ. P. 12(f)(1), Count X of the Complaint (constructive trust) is **STRICKEN** as an independent claim.
- (9) Plaintiffs shall file an amended complaint by **February 11, 2022**.

AND IT IS SO ORDERED.

Eduardo C. Robreno
EDUARDO C. ROBRENO, J.